

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lauren Fredston-Hermann	Team: Team # 4	CCRB Case #: 200600625	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 01/12/2006 8:30 PM	Location of Incident: 520 East 21st Street and the 70th Precinct	Precinct: 70	18 Mo. SOL 7/12/2007	EO SOL 7/12/2007	
Date/Time CV Reported Thu, 01/12/2006 9:23 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/17/2006 3:08 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Raymond Cotton	00335	911634	PBBS AC
2. POM Vaughan Ettienne	29839	928258	PBBS AC
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Wilfredo Montes	06806	935340	072 PCT
2. POM Sergio Carrillo	13252	936309	072 PCT
3. POF Ewa Lapinska	07695	935158	071 PCT
4. POF Jacqueli Harper	24348	934991	071 PCT
5. POM Jaak Leino	12959	935077	067 PCT
6. Mark Belnavis		932316	
7. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.SGT Raymond Cotton	Abuse: Sgt. Raymond Cotton forcibly stopped and questioned unidentified individuals at 520 East 21st Street in Brooklyn.	
B.POM Vaughan Ettienne	Abuse: PO Vaughan Ettienne forcibly stopped and questioned unidentified individuals at 520 East 21st Street in Brooklyn.	
C.SGT Raymond Cotton	Abuse: Sgt. Raymond Cotton supervised the frisk of individuals at 520 East 21st Street in Brooklyn.	
D.POM Vaughan Ettienne	Abuse: PO Vaughan Ettienne frisked individuals at 520 East 21st Street in Brooklyn.	
E.POM Vaughan Ettienne	Discourtesy: PO Vaughan Ettienne spoke obscenely to § 87(2)(b) at 520 East 21st Street in Brooklyn.	
F.POM Vaughan Ettienne	Force: PO Vaughan Ettienne used physical force against § 87(2)(b) at 520 East 21st Street in Brooklyn.	
G. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b) in front of the 70th Precinct.	

### Synopsis

On January 12, 2006, at approximately 8:30PM, § 87(2)(b) was standing on the corner of East 21<sup>st</sup> Street and Dorchester Road in Brooklyn, when he saw a taxicab stop next to the curb, and Sgt. Raymond Cotton and PO Vaughan Ettienne exit the vehicle with their guns drawn (Allegations A-B). Sgt. Cotton and PO Ettienne approached and frisked a group of 4-5 men in front of 520 East 21<sup>st</sup> Street (Allegations C-D).

PO Ettienne then approached § 87(2)(b) as he attempted to walk away, saying, “Pussy, what is up now, you pussy?” and “What were you saying, pussy?” (Allegation E) PO Ettienne told § 87(2)(b) to move and then shoved him on his chest with both of his hands (Allegation F). § 87(2)(b) fell forward onto his right knee and hand, and then to the ground.

§ 87(2)(b) called IAB as he walked voluntarily to the 78<sup>th</sup> Precinct, and sat on the stoop outside of the precinct while still talking with IAB. Four officers exited the precinct and approached him. An § 87(2)(b) officer said, “What the fuck are you doing on the phone with Internal Affairs? You’re the fucker on the phone with internal affairs... none of my guys did this to you” (Allegation G).

§ 87(2)(g)  
[REDACTED]

This case was originally assigned to Investigator Marjorie Cohen, and reassigned to the undersigned on August 2, 2006, upon Investigator Cohen’s departure from the agency.

### Summary of Complaint

§ 87(2)(b)

On January 12, 2006, § 87(2)(b) called IAB (IAB # 06-01295) in order to file a complaint regarding an incident that occurred earlier that evening (encl.). The complaint was referred to and received by the CCRB on January 17, 2006 (encl.). The narrative below combines § 87(2)(b)’s initial IAB complaint, CCRB statement (encl.), phone statements (encl.), and statement on his medical records from the § 87(2)(b) (encl.).

Note that § 87(2)(b) acknowledged that he had filed the complaint not only to “discipline the officers,” but also to obtain compensation to pay for his hospital bills (encl.).

On January 12, 2006, at approximately 8:30PM, in the vicinity of East 21<sup>st</sup> Street and Dorchester Avenue in Brooklyn, § 87(2)(b) had been talking on the sidewalk corner of East 21<sup>st</sup> Street and Dorchester Road with an acquaintance, “§ 87(2)(b)” when he saw a yellow taxicab come to a screeching halt about 25 yards away. Two men in plainclothes, identified through the investigation as Sgt. Raymond Cotton and PO Vaughan Ettienne, exited with their guns drawn, and approached a group of four to five young men. Because he did not know that they were officers, § 87(2)(b) shouted, “What was that? What was that? Put your gun away. What’s going on?” Upon exiting the cab, Sgt. Cotton and PO Ettienne shouted, “Don’t move!” to the young men, and ignored § 87(2)(b). A marked police vehicle arrived, and § 87(2)(b) realized that the two men in plainclothes were officers. He then resumed speaking with “§ 87(2)(b)”

PO3 and PO4 exited the marked police vehicle. PO3 was male, and PO4 was female; both were in uniform. PO3 and PO4 stood behind Sgt. Cotton and PO Etienne as they frisked the young men. After the frisks were conducted, PO Etienne approached § 87(2)(b) as he attempted to walk away, saying, “Pussy, what is up now, you pussy?” and, “What were you saying, pussy?” PO Etienne told § 87(2)(b) to move, and then shoved him both of his hands on his chest. Although § 87(2)(b) tried to regain his balance, he fell forward about three yards so that his right knee and hand broke his fall to the ground on the right side of his body. Sgt. Cotton was a few yards away, and never interacted with § 87(2)(b). § 87(2)(b) was not sure if the frisked individuals were still on the scene, and added that § 87(2)(b) had left.

While § 87(2)(b) remained on the ground, additional patrol cars arrived.

In his CCRB statement, § 87(2)(b) stated that PO3 grabbed him from the back of his jacket and twisted and turned his body from left to right. Then PO3 grabbed § 87(2)(b) around his waistline, by his belt and underpants, and turned his body from left to right. In a later phone statement, § 87(2)(b) clarified this interaction by saying that PO3 only picked him up off of the ground by the waist of his pants “in an aggressive way.” He did not interact further with PO3.

By the time § 87(2)(b) stood up, Sgt. Cotton, PO Etienne, and PO3 were walking away. PO3 never responded to § 87(2)(b)'s comments, although it is unclear as to what those comments were. PO3 walked past § 87(2)(b) towards his vehicle located 5-6 yards away on Dorchester Avenue; they did not interact further. At some point PO Etienne turned around and said, “You’re going to need this,” and flashed his badge at him so quickly that he could not read it. PO Etienne then entered a taxicab and left the scene. § 87(2)(b) was not sure what prompted PO Etienne to turn around, and thought that it was possible that he had said something to PO Etienne, although he was not sure what he might have said.

There were about three marked police vehicles on the scene plus the yellow cab. In total, there were six officers: four uniformed and two plainclothes. The remaining officers were leaning against their cars and standing on the street throughout, and he never interacted with them.

§ 87(2)(b) had not realized that he was hurt at the time, but when he got up from the ground his right foot was stiff, his pants were torn, and his right knee was swollen and cut.

§ 87(2)(b) called IAB en route to the 70<sup>th</sup> Precinct, and sat on the stoop outside of the precinct while still talking with IAB. IAB put him on hold in order to communicate with the precinct. Four officers including a sergeant then came outside and approached him, and the sergeant said, “What the fuck are you doing on the phone with Internal Affairs? None of my guys did this to you.” § 87(2)(b) later stated that the sergeant said, “You’re the fucker on the phone with internal affairs, my guys didn’t do this to you. What are you talking about?” § 87(2)(b) responded, “What do you think – I did this to myself?” He was still on the phone with IAB at this point, but refused to go inside the precinct because he thought that he would be intimidated. § 87(2)(b) was only able to describe the other officers as “big” white men.

The ambulance for which § 87(2)(b) had called arrived after the officers returned to the precinct. While he was being cared for, the sergeant returned alone, and § 87(2)(b) asked about getting paperwork. The sergeant told § 87(2)(b) that he would not get any papers, and went back inside the stationhouse. The ambulance was outside of the precinct for more than thirty minutes; one white male and one black male EMT treated him.

§ 87(2)(b) was subsequently taken to § 87(2)(b) and treated for scratches on his right thumb, a wound to the nail of his right thumb, and one or two abrasions and lacerations on his right knee. He did not receive stitches for his knee, but was given an ace bandage. § 87(2)(b) remained in the hospital overnight and left at about 4am the following day.

At the time of the interview, scabs of § 87(2)(b)'s cuts were visible. Photographs of the injuries were taken by Investigator Cohen on the date of the interview and added to the case file (encl.).

## **Results of Investigation**

### **Witness Statements:**

#### ***911 Caller***

An unidentified male individual called 911 to report that men with guns were standing at the location of the incident. He was identified from the Sprint (encl.), although he refused to provide his name or appear for an interview at the CCRB. He provided the following statement by phone on September 5, 2006:

On January 12, 2006, the anonymous caller had looked out of his kitchen window (he lives at § 87(2)(b) ) to see a group of about 15 young men outside, including one man who put a gun in his belt. He then called the police, as that corner is a common location for public drinking, and drug transactions and usage. He looked out the window throughout the incident. It was bright because his building had installed floodlights on all of the walls outside of the building. As a result, the block is well lit, as if "you were walking into a stadium, it's so bright."

Three to five minutes later, at least 15-20 officers arrived in regular police cars, unmarked cars, and a taxicab. He did not remember which vehicle first arrived, but remembered that they came from every direction. As they arrived, about three or four men of that original group, including the man who had the gun, ran away towards Flatbush Avenue and turned the corner.

The cops quickly exited the cars, threw the men standing on the corner up against the wall, and patted them all down. A man with a strong Jamaican accent § 87(2)(b) came running right up to the officers, screaming, and cursing at them, saying, "We live here! This is our block! What the fuck are you stupid motherfuckers doing?!" The 911 caller's kitchen window was open, without a screen, which is how he could hear § 87(2)(b)'s curses. The § 87(2)(b) stated that § 87(2)(b) lived in his building (although he did not know him by name). He described § 87(2)(b) as short, with brown skin, and wearing a green or black hat. A few other men were yelling at the officers, saying, "What are you doing on this block, you have no right!" Those men (excluding § 87(2)(b)) were then surrounded and then frisked.

### **Attempts to Contact Victims/Witnesses**

#### ***Unidentified Victims***

All civilians and officers agree that a group of men were stopped and frisked. The Stop and Frisk Log from the 70<sup>th</sup> Precinct showed that only one 250 was prepared at the location for § 87(2)(b) (encl.), and therefore no other 250s were prepared for these unidentified individuals. BADS shows that no one was arrested at the location (encl.), and searches of CTS yielded no duplicate cases for these victims. Although § 87(2)(b) stated that he knew some of those stopped and frisked individuals, he was unable to provide any contact information for them. Finally, officer statements did not reveal any identifying information for those victims.

Without any means of identifying and subsequently contacting these victims, they never provided CCRB statements.

§ 87(2)(b) § 87(2)(b) stated that his acquaintance, § 87(2)(b) was with him during the incident. § 87(2)(b) was contacted by phone on March 10, 2006. He stated that he did not know anyone by the name of § 87(2)(b) and had no recollection of the incident.

### **Officer Identification**

In his CCRB statement, § 87(2)(b) described the officer who was the driver of the taxicab, and with whom he subsequently interacted, as a black male, 6', 200lbs, with shaved head, and in plainclothes wearing a hockey jersey.

The Brooklyn South Anti Crime Roll Call for January 12, 2006, in addition to officer statements, determined that PO Vaughan Ettienne and Sgt. Raymond Cotton were the officers assigned to a yellow taxicab. PO Vaughan Ettienne is a black male, 5'8", 230 lbs, and is bald. He admitted to interacting with

§ 87(2)(b) § 87(2)(g)

§ 87(2)(b) described the second officer to exit the taxicab (PO2) as a white "average-looking male," in plainclothes. Sgt. Cotton, who was the second officer in the taxicab based on Roll Call and his own statement, is a black male, 5'7", 195lbs, with long dreadlocks. § 87(2)(g)

§ 87(2)(b) In his CCRB statement, Sgt. Cotton stated that he and PO Ettienne exited the taxicab to which they had been assigned in order to approach a group of reportedly armed men. § 87(2)(g)

§ 87(2)(b) described PO3 as a uniformed white male, 6', at least 200lbs, with brown hair, who exited a patrol car along with a uniformed female officer. Of the three sector cars shown to have responded on the Sprint, no sector car contained both a male and a female officer. Analysis of the detail roster (encl.) combined with the Sprint (encl.) show that the only female officers to respond to the location were PO Ewa Lapinska and PO Jacqueli Harper, who were assigned together to patrol Sector EH. The only white male officers to respond were PO Jaak Leino and PO Mark Belnavis, who were assigned together to patrol Sector IJ. In his CCRB statement, PO Jaak Leino described no interaction at all with any civilian on his part or on the part of PO Belnavis (encl.). By the time PO Belnavis was identified, he had left service, and therefore was never interviewed (encl.). The final sector car contained two Hispanic men: PO Wilfredo Montes and PO Sergio Carillo. § 87(2)(g)

§ 87(2)(b) stated that the officers who approached him in front of the 70<sup>th</sup> Precinct were "big" white men. He was unable to provide any further description, although he stated that the sergeant who cursed at him was about 5'8", in uniform, and had white/blonde hair with a reddish mustache. It is unclear as to why § 87(2)(b) believed that this individual was a sergeant. The Sprint shows, however, that a supervisor was sent outside of the 70<sup>th</sup> Precinct in order to speak with § 87(2)(b) (encl.).

PO Angela Edwards, assigned to the CCRB, searched for any red-haired sergeants or officers who might have been working in the 70<sup>th</sup> or nearby precincts. The only result was an officer who was not working that day based on the roll call. Photos were requested of the one ranking officer from Brooklyn South Anticrime assigned to the 70<sup>th</sup> Precinct during the tour of incident; however his photo did not match the description provided by § 87(2)(b). There were no supervisors included in the Detail Roster of the 70<sup>th</sup> Precinct (encl.). Without any further way to identify this officer, he will remain identified.

### *Officer Interviews*

#### **Sgt. Raymond Cotton & PO Vaughan Ettienne**

Sgt. Raymond Cotton was interviewed at the CCRB on August 29, 2006 (encl.), and PO Vaughan Ettienne was interviewed at the CCRB on August 31, 2006 (encl.). They were both from Brooklyn South Anticrime, and were partners on January 12, 2006. They were assigned to patrol the 70<sup>th</sup> Precinct an unmarked yellow cab of which PO Ettienne was the driver. Although the Roll Call shows that PO Velez was also assigned to that vehicle, Sgt. Cotton stated that the Roll Call was incorrect, and that only he and PO Ettienne had worked in the yellow cab for that tour. Sgt. Cotton's tour was 1715 x 0212, while PO Ettienne's tour was 1730 x 0205. Both were in plainclothes. Their statements were consistent with one another, and thus have been combined below, with noted inconsistencies. PO Ettienne's statement also comprises the 250 that he filled out for § 87(2)(b) (encl.).

Sgt. Cotton's memo book only reports his tours, and therefore he had no pertinent entries (encl.).

PO Ettienne's memo book entry: 2000 1 male stopped front of 520 East 21. 1 male black with Jamaican accent stopped in regards to a gun run at location. Male made threats and refused to comply with my instructions. Male had a bulge in rear pocket and was physically restrained due to his noncompliance. Male refused to ID himself. 1 250 prepared.

On January 12, 2006, at 8PM, Sgt. Cotton and PO Ettienne responded to a 911 call over the radio of a number of black males with guns in the vicinity of East 21<sup>st</sup> Street and Dorchester Road. Although Sgt. Cotton stated that no further description of the incident or the individuals was provided, PO Ettienne stated that the call communicated that there were approximately 12-15 black males who were armed while smoking marijuana and drinking in front of 520 East 21<sup>st</sup> Street. No individual descriptions were given on the 911 call.

Sgt. Cotton stated that he and PO Ettienne arrived at the location at the same time as a number of other officers in uniform (Sgt. Cotton assumed that the other officers were from the 70<sup>th</sup> Precinct). By contrast, PO Ettienne stated that because he and Sgt. Cotton had just driven on 21<sup>st</sup> Street less than 10 minutes before and were in the vicinity, they arrived first at 520 East 21<sup>st</sup> Street. He added that other patrol cars arrived about a minute later, after he had frisked § 87(2)(b). All of the other cars that responded were marked, and all of the other officers were in uniform. PO Ettienne was unable to identify the other officers involved, although he remembered that about 3 or more marked cars and 6 uniformed officers were on the scene in total during the incident. He was not sure if any other plainclothes units arrived.

Sgt. Cotton simply stated that upon arrival, he saw seven black men at the location of incident. PO Ettienne observed about 12-15 black men at the entry in front of the building, and another group of 3-4 black males located nearby.

Sgt. Cotton and PO Ettienne exited the car. They had parked so that PO Ettienne, the driver, was closest to the group of individuals. Sgt. Cotton stated that he approached the males with his hand on his gun, and did not draw his gun at any point during the incident. On the other hand, PO Ettienne stated that he and Sgt. Cotton exited with their guns drawn, and approached the larger group.

Sgt. Cotton and PO Ettienne told the men to stop and stand against the wall, and PO Ettienne identified himself as an officer. The men complied, and PO Ettienne holstered his gun, which was not drawn again during the incident. PO Ettienne was unsure whether Sgt. Cotton holstered his gun at this moment. PO Ettienne noticed indications of recent smoking and drinking, such as Backwoods cigars, empty dime bags, and open beer containers. He also saw a male individual standing in the smaller group farther away (later identified as § 87(2)(b) who was yelling, using Jamaican expletives, pointing his hands, and flailing his arms. He was saying things like, "What the blood clot are you doing!? You guys always do this bullshit! Get the fuck out of here!"

Sgt. Cotton noticed the small group of individuals at the corner of East 21<sup>st</sup> Street and Dorchester Road upon hearing a "commotion." The "commotion" consisted of those individuals swearing, upset that officers had responded, and saying things like, "leave us alone." Sgt. Cotton remembered that PO Ettienne went to the group at the corner while he began to question the men in the larger group, and other uniformed officers frisked the men in the larger group, although he did know who they were or what precinct they were from. Sgt. Cotton stated that he did not frisk the males. He admitted that he faced the larger group throughout the incident, and was therefore unable to see what PO Ettienne was doing or what was happening at the corner of East 21<sup>st</sup> Street and Dorchester Road.

By contrast, PO Ettienne stated that he and Sgt. Cotton began frisking the men immediately after stopping them and before he (PO Ettienne) went to the corner where the smaller group was standing. He added that Sgt. Cotton's gun must have been holstered by that point because he was using both hands to conduct the frisks. While he and Sgt. Cotton were still conducting frisks, § 87(2)(b) approached from about 50 to 60 feet away with one or two other males. § 87(2)(b) was cursing, yelling, and screaming. As he walked quickly towards PO Ettienne, PO Ettienne noticed a "bulge" in his rear pocket, and told § 87(2)(b) to stand up

against the wall, saying, “Get back! This doesn’t concern you! This is not your business, get back!” § 87(2)(b) refused and kept reaching his hand into his back pocket, continually yelling and cursing, with an aggressive demeanor. He was “combative and violent” at which point PO Ettienne tried to grab his right arm, and § 87(2)(b) swung his right arm across PO Ettienne’s body and face in order to evade PO Ettienne and to pull his arm away. PO Ettienne clarified that § 87(2)(b) did not try to actually hit PO Ettienne. Then PO Ettienne grabbed § 87(2)(b)’s left arm in a cross-hold and exerted downward pressure on his elbow, forcing him to the ground. § 87(2)(b) fell on his right side, and subsequently became compliant. At this point he was less than 10 feet away from the rest of the individuals being frisked by Sgt. Cotton. PO Ettienne picked up § 87(2)(b) placed him against the wall, and frisked him, finding an unopened bottle of 12 oz. Heineken in his back pocket (the same pocket to which he had been reaching earlier). PO Ettienne did not see any injuries on § 87(2)(b) or hear him complain of any injuries. Although Sgt. Cotton remembered that there were a few uniformed officers at the corner with PO Ettienne, PO Ettienne did not see any other officer interact with § 87(2)(b). Note that PO Ettienne stated that only after he frisked § 87(2)(b) did patrol cars arrive from other precincts, at which point a crowd of about 15 or 20 people started to form. PO Ettienne did not see where the other people went who had been originally standing with § 87(2)(b) and had no interaction with them. He noted that § 87(2)(b) continued to curse throughout their whole encounter.

PO Ettienne stated that § 87(2)(b) refused to provide identification or identify himself for the 250 that he prepared. When asked later about why he had checked, “Actions indicative of acting as a lookout” on the 250, PO Ettienne stated that the corner where § 87(2)(b) had been standing is a known location for lookouts, and that he had seen him standing there 10 minutes before when they had originally driven around the block. Therefore, explained PO Ettienne, it was not unusual to suspect him of being a lookout for police. Sgt. Cotton remembered signing the 250 prepared by PO Ettienne, although he did not know who it was for, what the individual had done or said to merit the 250, or whether the individual had been frisked.

No weapon or anything else illegal was found on any of the men in the larger group, and Sgt. Cotton and PO Ettienne did not issue summons or prepare 250s for them, although they did not know if another officer prepared 250s for those individuals. No one was arrested.

Sgt. Cotton and PO Ettienne then returned to their vehicle and left the location.

Sgt. Cotton never interacted with § 87(2)(b) and had no recollection of ever seeing him. When presented with a photograph of § 87(2)(b) and asked whether he recognized him, PO Ettienne said that he “wasn’t sure,” and stated that he could not remember his face.

Neither Sgt. Cotton nor PO Ettienne ever called § 87(2)(b) a “pussy” or otherwise cursed at him. Sgt. Cotton never saw any officers with their guns drawn, and never pushed § 87(2)(b). He never saw PO Ettienne, or any officer, grab or push § 87(2)(b). PO Ettienne never shoved § 87(2)(b) in the chest, and never saw him again after filling out the 250.

### **PO Jaak Leino**

PO Jaak Leino was interviewed at the CCRB on December 14, 2006 (encl.). On January 12, 2006, he was assigned to a marked patrol vehicle with PO Mark Belnavis to patrol sectors IJ in the 70<sup>th</sup> Precinct. His home precinct is the 67<sup>th</sup> Precinct. His tour was 1500 x 2335. PO Leino was in uniform and was assigned to a marked RMP #1612.

Memo book entries: 2009: 1010 male with firearm, at 21<sup>st</sup> St Avenue D to Dorchester

PO Leino and PO Belnavis responded to a call that came over the radio of a male with a firearm at 21<sup>st</sup> St Ave D to Dorchester Road. When they arrived, there was already a plainclothes unit in a taxicab, in addition to two other sectors. The plainclothes unit had two black men stopped on the sidewalk, with the front of their bodies against a fence. The men were not being frisked, although the plainclothes unit was talking to them. PO Leino was not able to hear what was said, and was unable to provide further description

of the black men. There were no other civilians at the location, and PO Leino never saw another individual approach the officers.

PO Leino and PO Belnavis had parked in the middle of the street, and were about 4-5 car lengths away from the stopped individuals. PO Leino and PO Belnavis exited the car upon arriving. Shortly thereafter, a no further call came over the radio, and PO Leino and PO Belnavis got back in their car and left the location to resume patrol. They were at the location for less than a minute.

Neither PO Leino nor PO Belnavis had any interaction with any officer or civilian at the scene.

When shown a photograph of § 87(2)(b) PO Leino stated that he did not look familiar to him as one of the two stopped men.

### **Officers Not Interviewed**

The Detail Roster combined with the Sprint showed that PO Wilfredo Montes, PO Sergio Carrillo, PO Ewa Lapinska, PO Jacqueli Harper responded to the location of incident, in addition to the officers who provided statements above. Because there were no allegations against PO Montes, PO Carrillo, PO Lapinska, or PO Harper, and it appeared unlikely that their testimony would have changed the recommendations for the allegations, they were not interviewed.

### **Medical Records**

§ 87(2)(b) treated § 87(2)(b) on § 87(2)(b), for injuries to his thumb, knee, and lower leg (encl.). It is unclear whether he was prescribed medication.

### **NYPD Documents**

#### ***Sprint***

There were two Sprints for this case: one at 520 East 21<sup>st</sup> Street (Job # § 87(2)(b)) and another outside of the 70<sup>th</sup> Precinct (Job # § 87(2)(b)).

Sprint # § 87(2)(b) shows that at 8:08PM, an anonymous male caller stated that there was a group of 15 men, two of whom had guns, in front of 520 East 21<sup>st</sup> Street. One of the armed men wore a black hooded jacket, and the other had a beige leather coat. Sectors A and I responded to 520 East 21<sup>st</sup> Street within two minutes, and Sector E responded six minutes after the call was made. At 8:19PM the job was marked 10-93Q: "other report prepared – no arrest."

Sprint # § 87(2)(b) shows that a male, who identified himself as § 87(2)(b) called at 8:50PM from 154 Lawrence Avenue (the address of the 70<sup>th</sup> Precinct). He provided a call back number, and stated that he was wearing jean pants, grey jacket, and a grey cap, and that his knee and thumb were bleeding. At 8:57PM, IAB Officer "Francis" stated that the 70<sup>th</sup> Precinct should send a supervisor outside to speak with § 87(2)(b). An § 87(2)(b) supervisor arrived at the scene at 9:03PM, and EMS responded at 9:12PM. § 87(2)(b) was taken to § 87(2)(b) at 9:32PM.

#### ***Roll Calls***

Due to an officer death in the 70<sup>th</sup> Precinct shortly before the date of incident, on January 12, 2006, the 70<sup>th</sup> Precinct was covered by officers from various precincts, including but not limited to the 62<sup>nd</sup>, 67<sup>th</sup>, 69<sup>th</sup>, 71<sup>st</sup>, 76<sup>th</sup>, and 78<sup>th</sup> Precincts, and Brooklyn South Anticrime. When a Roll Call was first requested from the 70<sup>th</sup> Precinct, the request was returned with negative results, implying that there was no roll call for that day due to the officer death. Therefore, Roll Calls from many precincts that surround the 70<sup>th</sup> Precinct were requested and received in order to identify the officers assigned to cover the 70<sup>th</sup> Precinct. Even those Roll Calls that did identify the officers assigned to the 70<sup>th</sup> Precinct, however, did not identify their sector assignments. A comprehensive Roll Call was finally obtained on December 6, 2006, with the help of Lt. Timothy Murphy, which only showed the sector assignments for 14 officers (encl.). No supervisors were listed on that comprehensive roll call. It showed that PO Jaak Leino and PO Mark Belnavis were assigned



to Sectors IJ, PO Wilfredo Montes and PO Sergio Carrillo were assigned to Sectors ABCD, and PO Ewa Lapinska and PO Jacqueli Harper were assigned to Sectors EH.

### ***250 Log from the 70<sup>th</sup> Precinct***

All Stop, Question, and Frisk reports are housed in the precinct of occurrence. The 250 log for the incident was therefore requested from the 70<sup>th</sup> Precinct, even though officers from outside precincts covered the 70<sup>th</sup> Precinct that day. The 70<sup>th</sup> Precinct 250 log lists eight 250s prepared (encl.) during Tour 3 of January 12, 2006, including the one prepared by PO Vaughan Ettienne for § 87(2)(b). It does not, however, show any people stopped by the officers who responded to the location, indicating that 250s were never filled out by any officer for the § 87(2)(b) individuals who were stopped at 250 East 21<sup>st</sup> Street.

### ***250: § 87(2)(b)***

The Stop, Question, and Frisk Report filled out by PO Vaughan Ettienne shows that on January 12, 2006, an § 87(2)(b) male who refused to provide any identifying information was stopped in front of 520 East 21<sup>st</sup> Street at 8:10PM (encl.).

The circumstances that led to the stop were actions indicative of acting as a lookout and a bottle of 12oz Heineken. No other contraband was found, although the demeanor of the individual was described as uncooperative, belligerent, angry, and that the individual said to PO Ettienne, “Fuck you, you’re a pussy, get the fuck out of here.” The individual was frisked because he was making verbal threats of violence, had engaged in actions indicative of engaging in violent crimes, had refused to comply with officer’s directions leading to reasonable fear for safety, and because a violent crime was suspected. The individual was not searched.

The individual was described as a black male, approximately 40 years old, 5’7”, 150lbs, black hair, brown eyes, and speaking with a Jamaican accent. It stated that the officer explained the reason for the stop, and that no other people were stopped, questioned or frisked. Physical force was used, including hands on suspect, and suspect on ground. The suspect was not arrested, and no summons was issued. Sgt. Raymond Cotton signed off on the 250.

### ***Ambulance Call Report***

The Ambulance Call report shows that on § 87(2)(b), EMS removed § 87(2)(b) from outside of the 70<sup>th</sup> Precinct, at 154 Lawrence Avenue (encl.). The report shows that § 87(2)(b) was injured by a fall, and described pain in his hands and fingers. He walked to the ambulance. § 87(2)(b) had abrasions to his right thumb, right knee, and proximal right lower leg, and exhibited minor bleeding from abrasions on the right thumb and lower leg. The NYPD shield number on the ACR is 2998 from the 72<sup>nd</sup> Precinct.

### ***Civilian’s CCRB History***

§ 87(2)(b) has not filed any prior complaints with the CCRB.

### ***Subject Officers’ CCRB History***

Neither Sgt. Raymond Cotton nor PO Vaughan Ettienne have any substantiated CCRB allegations (encl.). Sgt. Cotton has been a member of the NYPD for 13 years, and PO Ettienne has been a member of the NYPD for 5 years.

## **Conclusions and Recommendations**

### ***Facts in Dispute***

§ 87(2)(g)  
[REDACTED]

### ***Credibility***

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

#### **Allegations Not Pleaded**

First, although § 87(2)(b) stated that PO Vaughan Ettienne approached him while he was walking away, it is obvious from all other statements that § 87(2)(b) actively sought out PO Ettienne. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation A: Sgt. Raymond Cotton forcibly stopped and questioned individuals at 520 East 21st Street in Brooklyn.**

**Allegation B: PO Vaughan Ettienne forcibly stopped and questioned individuals at 520 East 21st Street in Brooklyn.**

§ 87(2)(b) alleged that two officers exited a taxicab in front of 520 East 21<sup>st</sup> Street with their guns drawn, approached a group of 4-5 men in front of the building, and told them not to move. The § 87(2)(b) also stated that officers exited their vehicles and approached these men, although he did not mention seeing the guns of the officers out at any point during the incident. For the reasons described in *Attempts to Contact Victims/Witnesses*, however, the individuals in the group of men were never identified, and never provided statements at the CCRB.

PO Vaughan Ettienne stated that a call had come over the radio describing a group of men with guns in front of 520 East 21<sup>st</sup> Street, which call and transmission thereof is confirmed by the Sprint (encl.). PO Ettienne stated that when he and Sgt. Raymond Cotton arrived at the location, they found a group of men. When PO Ettienne exited the vehicle, he stated that he drew his gun. Sgt. Cotton stated that he did not draw his gun at any point throughout the incident. Both officers explained that as per the call they had received over the radio, they stopped a group of men at this location who were reportedly armed, drinking, and smoking.

The Sprint shows that a 911 call was made stating that there were men with guns at 520 East 21<sup>st</sup> Street.

§ 87(2)(g)

**Allegation C: Sgt. Raymond Cotton supervised the frisk of individuals at 520 East 21<sup>st</sup> Street in Brooklyn.**

**Allegation D: PO Vaughan Ettienne frisked individuals at 520 East 21<sup>st</sup> Street in Brooklyn.**

§ 87(2)(b) alleged that Sgt. Raymond Cotton and PO Vaughan Ettienne frisked the men who had been standing in front of 520 East 21<sup>st</sup> Street. The 911 caller later confirmed that officers frisked the men in front of 520 East 21<sup>st</sup> Street, although he was unable to specify which officers actually performed the frisk. As described in *Attempts to Contact Victims/Witnesses* these victims were never identified, and never provided statements at the CCRB.

PO Vaughan Ettienne stated that he frisked several of the male individuals standing in the group in front of 520 East 21<sup>st</sup> Street. Sgt. Raymond Cotton stated that he supervised the frisk of these individuals by unidentified officers from other precincts, although he himself did not frisk them.

§ 87(2)(g)

**Allegation E: PO Vaughan Ettienne spoke obscenely to § 87(2)(b) at 520 East 21<sup>st</sup> Street in Brooklyn.**

§ 87(2)(b) alleged that, as PO Vaughan Ettienne approached him, PO Ettienne said, “Pussy, what is up now, you pussy?” and “What were you saying, pussy?” The 911 caller, who was clearly able to hear the yelling and cursing from § 87(2)(b) reported no obscene statements made by any officers.

PO Ettienne agreed with the 911 caller that § 87(2)(b) yelled and cursed throughout. PO Ettienne stated that he himself never cursed or otherwise responded inappropriately to § 87(2)(b). In addition the 250 that PO Ettienne filled out for § 87(2)(b) shows that § 87(2)(b) actually told PO Ettienne, “Fuck you, you’re a pussy. Get the fuck out of here” (encl.).

§ 87(2)(g)

**Allegation F: PO Vaughan Ettienne used physical force against § 87(2)(b) at 520 East 21<sup>st</sup> Street in Brooklyn.**

§ 87(2)(b) alleged that, after telling him to move, PO Vaughan Ettienne shoved him on the chest with both of his hands. This caused him to fall forward onto his right knee and hand and then to the ground, § 87(2)(g) § 87(2)(b) s medical records from later that same day support his statement by showing that he was treated for injuries to his knee, right hand, and leg (encl.).

PO Ettienne stated that § 87(2)(b) was approaching him quickly, and also noticed a “bulge” in his rear pocket. § 87(2)(b) did not comply with his instructions to first disperse and then to stand up against the wall. Instead, he remained “combative and violent” and reached his hand into his back pocket. At that point PO Ettienne grabbed § 87(2)(b)’s left arm and forced him to the ground. § 87(2)(b) fell on his right side, and subsequently became immediately compliant.

§ 87(2)(g)

**Allegation G: An officer spoke rudely to § 87(2)(b) in front of the 70<sup>th</sup> Precinct.**

§ 87(2)(b) stated that an officer outside of the 70<sup>th</sup> Precinct said to him, “What the fuck are you doing on the phone with Internal Affairs? You’re the fucker on the phone with internal affairs... none of my guys did this to you.”

The Sprint shows that at 9:03PM, a supervisor was sent outside to speak with a complainant § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: